

UNITED STATES DISTRICT COURT

for the
Western District of Virginia

JUN 03 2016

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)2568 Mosby Court Apartment B, Harrisonburg, Virginia
22801, more fully described in Attachment A

Case No. 5:16-mj-00014

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

2568 Mosby Court Apartment B, Harrisonburg, Virginia 22801

located in the Western District of Virginia, there is now concealed (identify the person or describe the property to be seized):

Herein incorporated by reference, see Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
Title 8, United States Code,
Section 1324(a)(1)(A)(iv)

Offense Description
Encouraging and Inducing an Alien to Illegally Come to and Enter the United States for Financial Gain

The application is based on these facts:

See attached Affidavit in Support of Search Warrant

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

SA 
Applicant's signatureDavid Wolf, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: June 3, 2016City and state: Charlottesville, Virginia
Judge's signatureHonorable Joel C. Hoppe
Printed name and title

SEALED

5:16mj00014

THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA

IN THE MATTER OF THE)
SEARCH OF:)
2568 Mosby Court, Apartment B)
Harrisonburg, Virginia 22801)

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, David Wolf, Special Agent (SA), Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since February 10, 2013. I am currently assigned to the Richmond Division of the FBI, Charlottesville Resident Agency.

2. This affidavit is being submitted in support of an application for a search warrant, pursuant to Rule 41 of the Federal Rules of Criminal Procedure. The premises to be searched is more fully described as 2568 Mosby Court, Apartment B, Harrisonburg, Virginia 22801 (the "Subject Premises"), can be described as an apartment located within a residential apartment complex. The apartment is located on the first floor of a building marked with "2568" on the side. The building is light beige with brown trim. The door to the apartment is green and the apartment is identified by the letter "B" on the brown frame to the entry way of the apartment.

3. The statements contained in this Affidavit are based on my review of documents and my conversations with

other FBI SAs. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation.

4. I submit there is also probable cause to believe that the Subject Premises has been used as a headquarters for a business engaging in criminal offenses and that it now contains, fruits, evidence, and instrumentalities of criminal offenses against the United States, particularly violations of the U.S.C. Title 8, Section 1324, as set forth in detail below.

BACKGROUND

5. On or about April 14, 2016, FBI Richmond opened an investigation involving Ahmed Thamar Darweesh Al Ani ("Al Ani"). This investigation determined that Al Ani operates a business under the name of Alane LLC and used the Subject Premises as that business' address. Specifically, the address of Alane LLC is 2568 Mosby Court, Harrisonburg, VA 22801.

PROBABLE CAUSE

6. Al Ani is from Iraq and currently resides in Harrisonburg, VA. Al Ani is proprietor of the Alane LLC, located at 2568 Mosby Court, Harrisonburg, Virginia.

7. The investigation has revealed that Al Ani came to the United States on or about September 4, 2013. Al Ani was admitted to the United States under an SQ1 Visa, which is an immigrant visa.

8. The investigation has revealed that Al Ani tried to assist at least two individuals, Firas Al Qesi and a possible undisclosed second individual, to obtain fraudulent documents to attempt entry to the United States. Al Qesi was interviewed at the Baghdad embassy as part of the process to gain entry to the United States. The Department of State confirmed that an individual did come to the U.S. Embassy in Baghdad for an interview but walked out of the interview after having difficulty answering the questions asked by the embassy employee. The second, undisclosed individual, made successful entry into the U.S. believed under false pretenses.

9. On or about May 28, 2016, an FBI undercover employee ("UCE") began communicating with Al Ani both by a secure communications applications and telephone. These communications were recorded.

10. On or about May 28, 2016, below are the relevant portions of the conversation that took place between the UCE and Al Ani:

UCE	Yeah, yeah.
AA	Are you in Baghdad or here?
UCE	No, no; I'm here in New Jersey.
AA	Where?
UCE	In New Jersey—New Jersey; in the north.
AA	Oh, oh. Ok. Dear, the man you have—is he in Baghdad?
UCE	Yes. The man I have is in Baghdad, uh, and currently he is in some kind of trouble; they are looking for him and I want to get him out of Iraq and bring him here.
AA	Meaning, there is a [UI]; you mean a ban.
UCE	Uh, possibly; I mean, I don't know exactly, 100% sure.
AA	No, you have to concentrate [UI][OV]--
UCE	[OV] He does not have, I mean-- sorry, he has not been arrested before, I mean, as far as I know, but--
AA	Yes, but there is an arrest warrant issued against him currently, Ok, and his name has been flagged, right?
UCE	Yes—yes.
AA	Definitely terrorism; a Sunni; it must be [Article] - 4 terrorism, 100%.
UCE	Unfortunately [chuckles]; what can we do.
AA	Yeah; that's all they have; those bastards. This is the only thing they have; any Sunni will be put on [Article] - 4 Terrorism.
UCE	Yes.
AA	My dear, here--
UCE	So--
AA	--we will produce for him documentation in a different name; a name of a non-wanted person, and produce a passport for him, Ok?
UCE	Yeah.
AA	--complete it for him and give him his passport so that he may depart Baghdad heading to Beirut, Ok? In order that we get him out.
UCE	Yes.
AA	--transport him from Iraq to Beirut.
UCE	Can we—can we bring him here?
AA	First you have to get him out of there—first you have to get him out of there.
UCE	Yeah--
AA	Get him out of there first-- get him out of there, get him away, Ok? Let him stay in Beirut; we will prepare a business invitation for him on the pretext that, uh, there is a company that is going to invite him

	[UI] to come here. The invitation is for [UI] a month. The expenses will be-- considering the expenses will be paid by the company, but in reality, Ok, the expenses will be on him, not the company.
UCE	Fine, but--[OV]
AA	Yeah; once he gets here, Ok, they will meet him at the embassy. When they meet him at the embassy he may tell them that I have business matters and I want to so and so and this is so and so company has invited me in order to deal for the interest of both parties: my interest and the company's interest.
UCE	Can't we make it shorter by only produce a passport for him and he can meet at the embassy in Baghdad then depart?
AA	When you produce the passport for him, is it going to be in his name or somebody else's name?
UCE	In the name of—it would be better if someone else's name.
AA	I'm telling you in someone else's name since his name is now suspicious.
UCE	Yeah; we'll produce a passport in someone else's name and--
AA	Yeah--
UCE	--and he can meet—he can meet the embassy in Baghdad; wouldn't that be easier?
AA	No, not better. Not better. Get him out of there and make all his affairs abroad so that you ensure his presence outside the range.
UCE	Hmm.
AA	It's up to you; it's not up to me. Whatever you like. I'm talking in your benefit.
UCE	I am—I understand and I thank you, but I want to make it shorter. I want him to get out of Baghdad and that's it. Bring him here and it's the end of it.
AA	There is nothing that is processed easily. If we now want to make him an invitation, the invitation will take at least 3 days to a week, right?
UCE	Fine, [OV]--
AA	[OV] they will send him an e-mail--
UCE	He can hold up--
AA	No, wait--
UCE	He can hold up.
AA	The will -- they will send an e-mail to him and an e-mail to the embassy.
UCE	Yeah.
AA	They will specify a date for the embassy interview. The embassy will issue him an appointment, possibly they will give him an appointment after two weeks; possibly after one week; possibly after a month, depending on the load whether there is a load on them or not. The will specify a date for them--
UCE	Yes.
AA	--he will be having an interview at the embassy and when he meets

	at the embassy, they will ask him some questions: how do you know this company; what's is your relationship with it; how so and so--
UCE	Right.
AA	He may tell them that my relationship with this company is a belonging relationship and the person over there has invited me to this job so that the two of us may cooperate in mine and his principals for trading, for example, in cars or trading in something specific—an agreed-upon thing, Ok?
UCE	Yeah.
AA	So this is what is going to take place, I mean. They will ask him what is your capability; so he may take title deeds of property from Baghdad if he has—does he have a property in his name or not?
UCE	I don't think he does.
AA	Ok, he does not have. We may make him title deeds unofficially, Ok--
UCE	Yeah.
AA	--so that he may submit them there, tell them these are my title deeds. They will look at it—they will only make copies. Just so that they may say this guy is not nobody person, with all due respect to you; they will say this wealthy man.
UCE	I understand—I understand.
AA	So it is unlikely that he would abandon his wealth and flee.
	[coughing]
AA	So this is all to it, I mean. They will ask him some questions: information about his name; information about his family and information about his brothers and sisters, I mean, they will ask him this kind of information, Ok? Have you been previously indicted or not, I mean, general questions. So here, his name will be the forged name that they will give him, huh, so that he memorizes it. These matters as you know are not good over there; it is best that he goes abroad and there he can forge things comfortably, so that he is [UI]. Unlike there, he will go into the Green [Zone] and they will run his name and if they catch him—there is a possibility that someone chews him. You know nowadays over there it is very easy to do so, huh? Thus they will open a forgery case and another case.
UCE	Hmm.
AA	While if he is abroad, and from there he can sit and meet and do anything at his leisure.
UCE	I'm worried about him that even in Lebanon there are problems. It's hard to tell.
AA	If it is not Lebanon, he may go to any other country—any country; China, he can go anywhere.
UCE	Meaning if--
AA	The main thing is to leave the range he's in.
UCE	If he is in Baghdad, and you produce a passport for him using a

	different name--
AA	Huh?
UCE	--wouldn't that be better? He can hop on a plane and go.
AA	I'm not telling you easier or not; what I'm telling you is they have to produce for him an ID, Citizenship certificate, Residence and Rationing ID, in different names. They will [UI], Ok, and produce a passport for him.
UCE	Ok.
AA	When they hand it to him, it will be all official. The job of this group ends here. A second job will start. Meaning, all this needs time, you know, the ID and the Citizenship certificate will not be done in a day; he will not finish it over night. Meaning, this is the thing. So think about it; think about what I said and if you like it, I have no problem; if you don't like it, I will work on yours—your plan and it's up to you; you are the one who wants it this way, not me.
UCE	Thank you. Ok, the visa to come to the U.S., are you going to apply for him here?
AA	We are going to issue him a business invitation from here.
UCE	From here, Ok.
AA	I will send it—I will send it to his personal e-mail.
UCE	Ok.
AA	Then send it to the embassy website and specify—and address the embassy to specify an appointment date for him. They will specify an appointment date for him. When he goes to the appointment, you and I will not be there--
UCE	Of course not.
AA	He will go and meet and he has to stick to his words and the photocopies of the papers that we are going to give him.
UCE	Ha.
AA	Showing that he does have the financial capability that he has so and so, in order to—these are the issues. Over there, it's between he and them. If he proves himself and knows how to talk, Ok, they will take his passport and \$160 and issue him a visa, huh, a business visa. If he does not know how to talk, with all due respect to you, not organized, huh, they will stamp and tell him goodbye.
UCE	Right.
AA	Yeah, so this is subject. [UI].
UCE	I understand. Ok.
AA	Hmm.
UCE	Ok, and the application, has to be on the internet, right? You go online--
AA	I am the one who will issue the invitation for him.
UCE	Ha.
AA	I will go the group here by me to do it for him.
UCE	[OV] This is—this is what I was looking for, I mean, because—[OV]

AA	[UI].
UCE	--you know the details—you know the details.
AA	Huh?
UCE	[OV] because you know the matter.
AA	I will issue him the business invitation, with the people here, and I will do it for him and the people there will complete his paperwork and issue it for him. That's it. If you want it this way, call me and I'm ready.
UCE	Ok, Ok. [OV]
AA	What is the price?
UCE	Yes, please.
AA	The price of the ID, the citizenship and passport issued in Baghdad will cost him one Dafter and a half.
UCE	Ok, one Dafter and a half.
AA	This is to issue him such. The business invitation they will issue for him, will be approximately 50 Warqa, meaning, the whole operation will cost you two bundles. If you have two Daftars, call me.
UCE	So it's \$5,000 here for—for—for the visa.
AA	This is \$5,000 for the business invitation. One Dafter and a half for the offices of Census, Citizenship, Information Office, Commerce, Passport.
UCE	One Dafter and a half means 15,000, right?
AA	Fifteen-thousand dollars.
UCE	Fifteen-thousand dollars, Ok, I understand.
AA	Think about it and call me today or tomorrow, take your time, huh, so that I may tell him where to take his photos to the person who will receive it from him, huh; in Al-Mansour District. Where does he live, in Al-Mansour or somewhere else? I live in Al-Mansour.
UCE	No, he is in Hay Al-Jami'ah, if you know where that is.
AA	Ok, Hay Al-Jami'ah is nearby Al-Mansour area [UI].
UCE	Yeah.
AA	Yeah.
UCE	Ok, good.
AA	Think about it and call me.
UCE	No problem.
AA	Ok.
UCE	Thank you very much.
AA	At your service.
UCE	Thank you. What's up?
	[End of call].

11. The telephone number Al Ani used during the conversations with the UCE, 540-383-0491, is subscribed to by Al Ani using the subject premises as the billing address.

12. Database searches for businesses associated with Al Ani revealed Alane LLC as the only business with which Al Ani has a relationship. Al Ani, in a separate phone conversation with the UCE, stated that the Alane LLC is the company that will invite the fictitious Iraqi to the U.S. Al Ani also states in the recordings that three copies of the business invitation letter will be sent, one to the fictitious Iraqi, one to the Embassy, and one for the UCE, which will be done in exchange for \$5,000 dollars.

13. According to the Virginia Employment Commission, Al Ani has not had any reportable wages over his stay in Virginia since arriving in 2013.

14. Based upon my training and experience, and upon discussions I have had with other federal law enforcement officials familiar with investigations involving fraudulent activities, it is known that individuals involved in fraudulent activities normally maintain records, receipts, notes, ledgers and other papers relating to their fraud; the aforementioned records, receipts, notes, ledgers, etc., are maintained where they have ready access to them; it is common for persons involved in fraudulent activities to

secrete proceeds of bank transactions and records of financial transactions in secure locations within their residences for their ready access and to conceal them from law enforcement authorities. In addition, it is even more likely that such records will be located within the residence given the fact that in this case the residence also served as the Alane LLC headquarters.

15. In virtually every significant fraud related search which I am aware or have been involved in, evidence in the nature of books, records, documents, notes, credit cards, checks, canceled checks, bank receipts, sales and purchase receipts, account cards, photographs, computers, electronic records, and other evidence, with dates months, years, and sometimes even decades, prior to the offense date were seized. Therefore, I know through training and experience that individuals involved in fraud usually maintain documents and other instruments known as evidence for long periods of time inside their residences, vehicles, places of business, or in safe deposit boxes.

Computer Searches

16. Based on my knowledge, education, and experience, and the experience of other law enforcement personnel, I know that searches and seizures of evidence of computers commonly require agents to seize most or all computer items

(hardware, software, and instructions) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following:

A. Computer storage devices (like hard disks, diskettes, tapes, laser disks, Bernoulli drives, and others) can store the equivalent of thousands of pages of information. Especially when the user wants to conceal criminal evidence, he or she often stores it in a random order with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. This sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical to this kind of data search on the site; and

B. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert should analyze the system and its data. The search of a computer system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction (both from

external sources or from destructive code imbedded in the system as a "booby trap," the controlled environment of the laboratory is essential to its complete and accurate analysis.

17. In order to fully retrieve data from a computer system, the analyst needs all magnetic storage devices as well as the central processing unit (CPU). In cases like this one where the evidence consists partly of computerized records, the monitor and printer are also essential to show the nature and quality of the information the system could produce. In addition, the analyst needs all the system software (operating systems, interfaces, and hardware drivers) and any application software which may have been used to create the data (whether stored on hard drives or external media).

18. In addition, there is probable cause to believe that the computers and their storage devices, the monitor, keyboard, and modems are all instrumentalities of the crimes discussed in detail above.

CONCLUSION

Based on the foregoing facts, I respectfully submit that there is probable cause to believe that evidence, fruits, and instrumentalities of these crimes, are all presently located at the Subject Premises.

Finally, I respectfully request that the attached search warrant be issued authorizing the search and seizure of all documents, records, and other materials listed in Attachment B.

SA David Wolf
David Wolf
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 3rd DAY
OF June 2016

Joel C. Hoppe
Joel C. Hoppe
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

The property to be searched is more fully described as follows:

2568 Mosby Court, Apartment B, Harrisonburg, Virginia 22801

The property located at 2568 Mosby Court, Apartment B, Harrisonburg, Virginia 22801 can be described as an apartment located within a residential apartment complex. The apartment is located on the first floor of a building marked with "2568" on the side. The building is light beige with brown trim. The door to the apartment is green and the apartment is identified by the letter "B" on the brown frame to the entry way of the apartment.

Description of Computer(s) / Computing System(s)

Any and all computer(s) / computing system(s)/cellular phones located at the 2568 Mosby Court, Apartment B, Harrisonburg, Virginia 22801, to include input and output devices, electronic storage media, USB drives, laptops, electronic tablets, computer tapes, scanners, disks, diskettes, optical storage devices, printers, monitors, central processing units, and all associated storage media for electronic data, together with all other computer-related operating equipment and materials.

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

Any and all documents in the following categories:

1. Financial records or files including, but not limited to, payment records, canceled checks, bank statements, checking and savings accounts, bank collection notices, monthly balance sheets, records of transfer of funds by wire or collection, safety deposit boxes, deposit slips, check stubs, and any other financial records, including, but not limited to, any accounts related to transactions involving the following: ALANE Company, ALANE LLC, ALANI Company, ALANI LLC, Ahmed Thamar Darweesh Al Ani, aka, Ahmed Thamer Darweesh Al Ani or Ahmed Thamar Darash Al Ani.

2. Documents and images relating to the following: ALANE Company, ALANE LLC, ALANI Company, ALANI LLC, Ahmed Thamar Darweesh Al Ani, aka, Ahmed Thamer Darweesh Al Ani or Ahmed Thamar Darash Al Ani.

3. All cellular phones, computers, computer peripherals, and any related items, whether in paper or magnetic form, including, but not limited to: cellular phones, electronic tablets, modules, modems, and connectors, computers, either laptop, stand-alone, or networked, central processing units, keyboards, monitors, file servers, mice or other input devices, USB drives, disk drives, FAX peripherals, CD-ROM, laser disks, scanners, printers or other output devices, cables; disks, floppy, hard, magnetic tapes or otherwise, all original and backup tapes or disks, any software programs, all vendor manuals for hardware and software, printouts, password files, user identifications, electronic mail, and any other informational materials related to computers;

4. Property that constitutes evidence of violations of Title 8 U.S.C. § 1324.